UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,363	12/09/2003	Alex Fielding		1362

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EXAMINER
NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
2134	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/707,363	FIELDING ET AL.
	Examiner	Art Unit	
	Andrew L. Nalven	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 April 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-49_ is/are pending in the application.

    4a) Of the above claim(s) _42-49_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-39_ is/are rejected.

7)☒ Claim(s) _40 and 41_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _03 April 2007_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-49 are pending. Claims 42-49 have been withdrawn from consideration

due to an election without traverse of claims 1-41.

Claim Objections

2.   Claim 24 is objected to because of the following informalities: Claim 24 should

read "a computer system to." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

3.   Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

4.   Claim 20 recites the limitation "the user." There is insufficient antecedent basis

for this limitation in the claim.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   **Claims 1-4, 6, 8, 10, 19, 21-26 rejected under 35 U.S.C. 102(e)** as being

anticipated by Hursey et al US Patent No. 7,107,617.

7.   **With regards to claims 1, 22, 24-25**, Hursey teaches a method of screening a

software file for viral infection (Hursey, column 3 lines 15-40, scan for viruses using

virus definitions) the method comprising defining a database of known infected file

signatures (Hursey, Figure 1 Item 12 – virus definitions), determining a signature for a

file (Hursey, column 3 lines 57-67, determines manner of compression of file and data

relating to the file) and screening that signature against the signatures contained in said

database to determine if there is a match (Hursey, column 4 lines 1-17, compares file to

virus signatures).

8.   **With regards to claim 2**, Hursey teaches a match of signatures between the

screened file and said database results in an action affecting the said screened file

(Hursey, column 4 lines 13-16, if there is a match, actions are triggered for file).

9.   **With regards to claim 3**, Hursey teaches the result of a non matching signature between the screened file and said database results in an action affecting the said screened file (Hursey, column 4 lines 16-25, screens file again against another signature, column 3 lines 5-10 allows continued file access).

10.   **With regards to claim 4**, Hursey teaches the result of a non matching signature between the screened file and said database results in an action affecting the said database (Hursey, column 4 lines 16-25, moves to next signature).

11.   **With regards to claims 6, 27**, Hursey teaches a match of signatures between the screened file and said database result in an alert or notification to a user of a local computer system (Hursey, column 3 lines 1-15, alert message generation).

12.   **With regards to claims 8 and 19**, Hursey teaches said action is an electronic quarantine of said matched file (Hursey, column 3 lines 1-15, quarantine).

13.   **With regards to claim 10,** Hursey teaches the database contains a flag set in memory to quarantine said screened files (Hursey, column 3 lines 1-15, file is sent to quarantine and file access requests are disallowed).

14.   **With regards to claim 12,** Hursey teaches the database contains a flag set in memory to erase said files (Hursey, column 3 lines 1-15, deletion).

15.   **With regards to claims 21, 23, 26,** Hursey teaches the step of determining a signature for the file and screening that signature comprises deriving a signature of the file and comparing the derived signature with signatures in the database (Hursey, column 3 lines 53-67, identifies file and compression type to determine signature of file to compare to database of virus signatures).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16.   **Claims 5, 7, 9, 11, 13-18, 28 are rejected under 35 U.S.C. 103(a)** as being

unpatentable over Hursey et al US Patent No. 7,107,617 in view of Halperin US PGPub

2004/0111632.

17.   **With regards to claim 5**, Hursey fails to teach a match of signatures between

the screened file and said database result in an action affecting the database.

However, Halperin teaches a match of signatures between the screened file and said

database result in an action affecting the database (Halperin, paragraphs 0087-008,

virus outbreak database logs all matches). At the time the invention was made, it would

have been obvious to a person of ordinary skill in the art to utilize Halperin's method of

taking action with the database based upon a match because it offers the advantage of

allowing the determination of viruses that are spreading across multiple systems

(Halperin, paragraph 0090).

18.   **With regards to claims 7, 9 and 20**, Hursey fails to teach the computer system

is connected via an electronic link to a remote central computer and wherein the

database is updated via an electronic link between the computer hosting the database

and the remote central computer. However, Halperin teaches teach the computer system is connected via an electronic link to a remote central computer and wherein the database is updated via an electronic link between the computer hosting the database and the remote central computer (Halperin, paragraph 0087, receives relevant updates from antivirus vendor). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Halperin's method of interfacing with a remote central computer because it allows updating of virus definitions that allow greater likelihood of finding a new virus (Halperin, paragraph 0087).

19.   **With regards to claim 11**, Hursey fails to teach the database containing a flag set in memory to release quarantine files. However, Halperin teaches a database containing a flag set in memory to release quarantine files (Halperin, paragraph 0058, administrator determines whether to remove quarantine and allow message to forwarded). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Halperin's method of removing quarantine flags because it offers the advantage of allowing the passing of a message that is not actually infected and was classified as infected inadvertently (Halperin, paragraph 0058).

20.   **With regards to claims 13-18**, Hursey fails to teach the flag can be updated by remove software via an electronic link to end user computers. However, Halperin teaches the flag can be updated by remove software via an electronic link to end user computers (Halperin, paragraph 0058, administrator may remove quarantine and designate file as uninfected). At the time the invention was made, it would have been

obvious to a person of ordinary skill in the art to utilize Halperin's method of removing

quarantine flags because it offers the advantage of allowing the passing of a message

that is not actually infected and was classified as infected inadvertently (Halperin,

paragraph 0058).

21.   **With regards to claim 28**, Hursey teaches the sending of an alert or notification

following a match condition (Hursey, column 3 lines 1-10), but fails to teach the

notification sent to a network administrator of a remote server. However, Halperin

teaches the notification sent to a network administrator of a remote server (Halperin,

paragraph 0058). At the time the invention was made, it would have been obvious to a

person of ordinary skill in the art to utilize Halperin's method of informing network

administrators because it offers the advantage of allowing the passing of a message

that is not actually infected and was classified as infected inadvertently (Halperin,

paragraph 0058).

22.   **Claims 29-36 are rejected under 35 U.S.C. 103(a)** as being unpatentable over

Hursey et al US Patent No. 7,107,617 in view of Fakes et al US PGPub 2005/0125694.

23.   **With regards to claims 29-32**, Hursey fails to teach the apparatus being a part

of a network firewall device, network intrusion detection system, network packet sniffer

software, or network intrusion prevention system. However, Fakes teaches the

apparatus being a part of a network firewall device, network intrusion detection system,

or network intrusion prevention system (Fakes, paragraph 0019). At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to

utilize Fakes' method if implementing virus scanning because it offers the advantage of helping to prevent the propagation of malicious programs over the network (Fakes, paragraph 0019).

24.   **With regards to claims 33-36,** Hursey fails to teach the apparatus being a part of a PDA, digital camera, cellular phone, or wireless device. However, Fakes teaches teach the apparatus being a part of a PDA, digital camera, cellular phone, or wireless device (Fakes, paragraph 0019). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Fakes' method if implementing virus scanning because it offers the advantage of helping to prevent the propagation of malicious programs over the network (Fakes, paragraph 0019).

25.   **Claims 38-39 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Hursey et al US Patent No. 7,107,617 in view of Waldin et al US Patent No. 6,094,731.

26.   **With regards to claim 38,** Hursey fails to teach the database being part of a bidirectional system for sending and receiving partial hash signatures. However, Waldin teaches a database being part of a bidirectional system for sending and receiving partial hash signatures (Waldin, column 3 lines 1-20 and 55-65). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Waldin's partial hash signature method because it offers the advantage of increasing the speed and performance of virus scanning (Waldin, column 3 lines 1-5).

27.   **With regards to claim 39**, Hursey as modified teaches partial hash signatures

are sent and received through a bidirectional request protocol set to determine a

percentage of said file used in hash computation (Waldin, column 4 lines 40-67).

Allowable Subject Matter

28.   Claims 40-41 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject

matter: the cited prior art fails to teach or suggest the requested percentage being

based upon communication speed or file size.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew L. Nalven whose telephone number is 571 272

3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate

Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Nalven

KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER